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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/815,878	03/22/2001	Karapet Ablabutyan	17793.00600	7381

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EXAMINER	
FOX, CHARLES A	

ART UNIT	PAPER NUMBER
3652	

DATE MAILED: 02/09/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/815,878	ABLABUTYAN, KARAPET	
	Examiner	Art Unit	
	Charles A. Fox	3652	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *24 November 2004*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-27* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-27* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on November 24, 2004 has been entered.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1-8,10-18 and 21-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over the admitted prior art in view of Lassanske and further in view of Koeppe, Jr. et al. In regards to claims 1-5,7,8,10-12,14-17,21 and 23-26 the prior art (of figure 1) teaches a lift device comprising:

a movable platform adapted to move from a lower position, a upper position and a stowed position;

said platform is connected to a vehicle via an arm mechanism with a parallelogram structure;

wherein said platform is in a substantially horizontal orientation in the lower and upper positions and a substantially vertical orientation in the stowed position;

wherein said platform speed is reduced when placed or taken from the stowed position and is faster in the lower and upper positions;

wherein said platform is a wheelchair lift.

The prior art does not teach a hydraulic drive motor with an electric control circuit to control the speed of the lift by varying the power to the drive motor, or varying the speed of the platform by using limit switches. Lassanske US 4,175,632 teaches a control circuit for a direct current motor (15) for driving a hydraulic pump (55) to limit the output of the pump, wherein said control circuit comprises a variable resistive circuit in series with a power supply that controls the current to said drive motor.

Koeppe, Jr. et al. US 5,864,103 teaches an elevator comprising a control circuit whereby the speed of the elevator is electronically controlled by the use of limit switches which detect and report the position of said elevator.

It would have been obvious to one of ordinary skill in the art, at the time of invention to provide the lifting device taught by the admitted prior art with the control circuit taught by Lassanske in order to selectively control the speed of the hydraulic pump thereby allowing the device to operate a varying speeds as needed for safety reasons, and to further control the speed with limit switches as taught by Koeppe, Jr. et al. in order to move the platform at a lower speed at preselected points without resorting to the use of an inordinate amount of limit switches.

In regards to claim 13 the admitted prior art teaches using a solenoid to move the lift from a stowed position as well as causing the lift to move up or down vertically.

In regards to claim 18 Lassanske further teaches the control circuit for the motor as comprising:

a first switch (18) having a first terminal coupled to a power source (17) and a second terminal connected to a D.C. motor;

a second switch (19) having a first terminal connected to said power supply and a resistor coupled to a second terminal;

said resistor having a terminal connected to said motor.

Regarding claim 22 the admitted prior art further teaches that the platform may be moved at different speeds based upon its position and it is considered an obvious design choice to move it at any particular speed at a given position. A person of ordinary skill in the art of hydraulic controls such as those found in the admitted prior art would be able to set up the device to run at any operational speed at any point of its travel once those speeds and positions have been determined.

In regards to claim 6 the admitted prior art (figure 6) teaches a lift device for vertically moving a vehicle, said lift having a platform for supporting said vehicle. The prior art does not teach a hydraulic drive motor with an electric control circuit to control the speed of the lift by varying the power to the drive motor. Lassanske US teaches a control circuit for a direct current motor (15) for driving a hydraulic pump (55) to limit the output of the pump, wherein said control circuit comprises a variable resistive circuit. Koeppe, Jr. et al. teaches an elevator comprising a control circuit whereby the speed of

the elevator is electronically controlled by the use of limit switches which detect and report the position of said elevator.

It would have been obvious to one of ordinary skill in the art, at the time of invention to provide the lifting device taught by the prior art with the control circuit taught by Lassanske in order to selectively control the speed of the hydraulic pump thereby allowing the device to operate a varying speeds as needed for safety reasons, and to further control the speed with limit switches as taught by Koeppe, Jr. et al. in order to move the platform at a lower speed at preselected points without resorting to the use of an inordinate amount of limit switches.

Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over the admitted prior art, Lassanske and Koeppe, Jr. et al. as applied to claim 7 above, and further in view of Neagu. The admitted prior art, Lassanske and Koeppe, Jr. et al. teach the limitations of claim 7 as above, they do not teach the lift device as being a tailgate type lift. Neagu US 4,836,736 teaches a tailgate type lift (10). It would have been obvious to one of ordinary skill in the art, at the time of invention that the device as taught by the admitted prior art, Lassanske and Koeppe, Jr. et al.could be modified to fit work on the tailgate of a vehicle as taught by Neagu in order to allow the device to load and unload a truck in a safe and efficient manner.

Claims 19 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over the admitted prior art in view of Lassanske and Koeppe, Jr. et al. as applied to claim 18 above, and further in view of Daggett et al. The admitted prior art, Lassanske and Koeppe, Jr. et al. teach the limitations of claim 18 as above, they do not teach

additional switched being added to the control circuit to further alter the speed of the DC motor. Daggett et al. US 5,144,211 teaches a drive motor control circuit comprising:

a first (61-1) and a second (61-3) switch for controlling the power thereto ;

a third (61-2) and a forth (61-4) switch connected to the terminal end of said first and second switches;

wherein activation of said third and forth switches causes varying currents through said motor. It would have been obvious to one of ordinary skill in the art, at the time of invention to provide the control circuit taught by the admitted prior art in view of Lassanske with additional switches in order to allow the speed of the motor to be controlled under real time operational conditions.

Claim 27 is rejected under 35 U.S.C. 103(a) as being unpatentable over the admitted prior art in view of Lassanske.

The admitted prior art teaches a method for operating a lift platform for a wheel chair comprising the steps of:

providing a movable platform adapted to move from a lower position, a upper position and a stowed position;

said platform is connected to a vehicle via an arm mechanism with a parallelogram structure;

wherein said platform is in a substantially horizontal orientation in the lower and upper positions and a substantially vertical orientation in the stowed position;

wherein said platform speed is reduced when placed or taken from the stowed position and is faster in the lower and upper positions;

wherein said platform is a wheelchair lift;

varying the speed of the platform based upon its detected position. The admitted prior art does not teach varying the speed of a hydraulic pump to adjust the speed of the platform. Lassanske teaches varying the speed of a DC motor to vary the pressure produced by a hydraulic pump. It would have been obvious to one of ordinary skill in the art, at the time of invention to modify the operation methods taught by the admitted prior art by incorporating the control steps taken by Lassanske in order to operate the device in a manner that requires no complex switches and allows it to move in a preselected manner.

Response to Amendment

The amendment to the claims filed on November 24, 2004 have been entered into the record.

Response to Arguments

Applicant's arguments with respect to claims 1-20 have been considered but are moot in view of the new ground(s) of rejection.

The prior art made of record and not relied upon, but considered pertinent to applicant's disclosure is Matsuo et al. 1990.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Charles A. Fox whose telephone number is 703-605-4294. The examiner can normally be reached between 7:00-5:00 Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eileen D. Lillis can be reached at 703-308-3248. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

CAF
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2-5-05

JAMES W. KEENAN
PRIMARY EXAMINER